THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18235 of 2005

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DATED: 18-08-2005

Sri Yerrakkagari China Ganganna.

..... PETITIONER

AND

The District Collector,

Anantapur District & another.

.....RESPONDENTS

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the action of the respondents, in trying to dispossess the petitioner from his peaceful possession and enjoyment of the land admeasuring Ac 0.40 cents in Survey No.368-B3 situated at Kutagulla Village, Kadiri Mandal, Anantapur District, without issuing any notice and without following the due process of law, as arbitrary, illegal and in violation of principles of natural justice.

2. It is the case of the petitioner that he is a landless poor person. After obtaining licence in R.Dis.No.542/91, dated

05-06-1991, from the Mandal Revenue Officer-2nd respondent, he planted trees in the said land and now, when the trees were in a ripen stage, the 2nd respondent is trying to dispossess him from the said land. Aggrieved thereby, the petitioner approached this Court by filing the present Writ Petition.

3. Heard both sides.

4. I have perused the entire material on record.

5. Therefore, having regard to the facts and circumstances, it is not desirable on the part of the respondents to interfere with the peaceful possession and enjoyment of the petitioners in the said land.

6. Without going into the merits of the case, I deem it appropriate to dispose of the Writ Petition directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in the said land, without following due process of law.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

(DHARMA RAO ELIPE,J)

18th August, 2005.

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